REMARKS

Claims 8, 15, 18, 21, and 22 are pending and under consideration. Claim 15 is amended herein, in substantial accord with the implied suggestion of allowable subject matter in section 7, at page 4 of the Office Action. The Examiner's suggestions are appreciated. Reconsideration is requested based on the foregoing amendment and the following remarks.

Claim Rejections – 35 U.S.C. § 103:

Claim 15 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,274,283 to Yamamoto (hereinafter "Yamamoto") in view of U.S. Patent No. 6,337,712 to Shiota et al. (hereinafter "Shiota"). The rejection is traversed to the extent it might apply to the claims as amended. Reconsideration of the rejection is earnestly solicited.

The second clause of claim 15 has been amended to recite "reading ID data recorded in at least one of a memory of the portable digital camera and said portable digital camera," in a manner similar to the reasons discussed with respect to allowed claims 8, 18, 21, and 22 in section 6 of the Office Action, at page 3. Claim 15 is thus submitted to be allowable as well, for at least those reasons discussed in section 6 of the Office Action, at page 3.

The third clause of claim 15:

The third clause of claim 15 recites:

Selecting, using said single interface unit, a reading method corresponding to the digital camera from the read ID data.

Neither Yamamoto nor Shiota teach, disclose, or suggest "selecting, using said single interface unit, a reading method corresponding to the digital camera from the read ID data," as recited in claim 15. Yamamoto, in fact, does not deal with digital cameras at all. Yamamoto, rather, outputs photographic *film* characteristics and data of a standard exposure portion to a photographic film characteristics storing section. In particular, as described in the Abstract:

Photographic film characteristics and data of a standard exposure portion, which is recorded outside of image forming regions and read by prescanning or fine scanning, are outputted to a photographic film characteristics storing section.

Since Yamamoto outputs photographic film characteristics and data of a standard exposure portion to a photographic film characteristics storing section, Yamamoto is not concerned with digital cameras at all, let alone "selecting, using said single interface unit, a reading method corresponding to the digital camera from the read ID data," as recited in claim 15.

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Indeed, the only context in which Yamamoto even mentions a digital camera is as an alternate means to obtain the *image data* that is input to the image processing section 16, not the photographic film characteristics or data of a standard exposure portion that is ultimately stored in a photographic film characteristics storing section. In particular, as described column 16, lines 26-36:

> Further, image data obtained by photographing by a digital camera 34 or the like, image data obtained by reading an original (e.g., a reflection original) by a scanner 36 (a flat-bed type scanner), image data generated at another computer, communications image data received via a modem 42, or the like (hereinafter, these image data will be referred to as file image data) may be inputted to the image processing section 16 from the outside.

Shiota shows no "selecting, using said single interface unit, a reading method corresponding to the digital camera from the read ID data" either, and thus cannot make up for this deficiency of Yamamoto with respect to claim 15.

The fourth clause of claim 15:

> The fourth clause of claim 15 recites:

> Reading a photographed image data recorded in a memory of the digital camera using the selected reading method software corresponding to the digital camera from a plural reading method software that are stored.

Neither Yamamoto nor Shiota teach, disclose, or suggest "reading a photographed image data recorded in a memory of the digital camera using the selected reading method software corresponding to the digital camera from a plural reading method software that are stored," as recited in claim 15. Yamamoto, rather, reads a standard *exposure* portion of a photographic photosensitive material which is exposed in advance at a predetermined exposure amount, and an image which is recorded in an image recording region of the photographic photosensitive material. In particular, as described column 10, lines 40-58:

> A seventeenth aspect of the present invention is an image processing device comprising: a reading section which reads regions of a photographic photosensitive material including a standard exposure portion which is exposed in advance in a predetermined region of the photographic photosensitive material at a predetermined exposure amount, and an image which is recorded in an image recording region of the photographic photosensitive material; a processing condition determining section which, on the basis of read data obtained by the reading section reading the standard exposure portion, determines a processing condition for image processing for converting, in accordance with a characteristic of the photographic photosensitive material, image data which is obtained by the reading section reading the image recorded in the image recording region; and a storing section which stores the processing condition, determined by the

processing condition determining section, together with a photographic photosensitive material ID which is applied to the photographic photosensitive material.

Since Yamamoto reads a standard exposure portion of a photographic photosensitive material which is exposed in advance at a predetermined exposure amount, and an image which is recorded in an image recording region of the photographic photosensitive material, Yamamoto is not "reading a photographed image data recorded in a memory of the digital camera using the selected reading method software corresponding to the digital camera from a plural reading method software that are stored," as recited in claim 15.

Yamamoto, moreover, reads a standard *exposure* portion of a photographic photosensitive material which is exposed in advance at a predetermined exposure amount, and an image which is recorded in an image recording region of the photographic photosensitive material, not "a photographed image data recorded in a memory of the digital camera," as recited in claim 15. In particular, as described column 10, lines 59-64:

> In accordance with the seventeenth aspect, the reading section reads the standard exposure portion, which is exposed at the predetermined exposure amount in a predetermined region of the photographic photosensitive material, and reads an image, which is recorded in an image recording region of the photographic photosensitive material.

Since Yamamoto reads a standard exposure portion of a photographic photosensitive material which is exposed in advance at a predetermined exposure amount, and an image which is recorded in an image recording region of the photographic photosensitive material, Yamamoto is not "reading a photographed image data recorded in a memory of the digital camera using the selected reading method software corresponding to the digital camera from a plural reading method software that are stored," as recited in claim 15.

Yamamoto, moreover, determines a processing condition for image processing for converting, in accordance with a characteristic of the photographic *photosensitive* material, the image data obtained by the reading section reading the image recorded in the image recording region on the basis of read data obtained by the reading section reading the standard exposure portion. In particular, as described column 10, lines 64-67, continuing at 11, lines 1-5:

> On the basis of read data obtained by the reading section reading the standard exposure portion (e.g., data expressing the density of the predetermined region), the processing condition determining section determines a processing condition for image processing for converting, in accordance with a characteristic of the photographic photosensitive material, the image data obtained by the reading section reading the image recorded in the image recording region.

Since Yamamoto determines a processing condition for image processing for converting, in accordance with a characteristic of the photographic *photosensitive* material, the image data obtained by the reading section reading the image recorded in the image recording region on the basis of read data obtained by the reading section reading the standard exposure portion, Yamamoto is not "reading a photographed image data recorded in a memory of the digital camera using the selected reading method software corresponding to the digital camera from a plural reading method software that are stored," as recited in claim 15.

Yamamoto furthermore, is image processing photographic *photosensitive* material. In particular, as described column 11, lines 5-16:

> (The image processing may be, for example, image processing for converting, in accordance with a characteristic of the photographic photosensitive material, gradation of the image expressed by the image data, such as gray gradation balance correction for correcting the balance of the three colors of R, G, B of the gray gradation in a normal exposure region of the image, or non-linearity correction of the photographic photosensitive material for correcting the non-linear portions in the characteristic of the photographic photosensitive material (the exposure amount-color formed density characteristic)).

Since Yamamoto is image processing photographic *photosensitive* material, Yamamoto is not "reading a photographed image data recorded in a memory of the digital camera using the selected reading method software corresponding to the digital camera from a plural reading method software that are stored," as recited in claim 15.

Shiota is not "reading a photographed image data recorded in a memory of the digital camera using the selected reading method software corresponding to the digital camera from a plural reading method software that are stored" either, and thus cannot make up for this deficiency of Yamamoto with respect to claim 15.

The fifth clause of claim 15:

The fifth clause of claim 15 recites:

Preserving the photographed image data in the storage medium.

Neither Yamamoto nor Shiota teach, disclose, or suggest "preserving the photographed image data in the storage medium," as recited in claim 15. Yamamoto, rather, stores the processing condition of the image processing determined by the processing condition determining section together with the photographic photosensitive material ID applied to the photographic photosensitive material in the storing section, not the "photographed image data," as recited in claim 15. In particular, as described column 11, lines 40-48:

The storing section stores the processing condition of the image processing determined by the processing condition determining section, together with the photographic photosensitive material ID applied to the photographic photosensitive material. Examples of the photographic photosensitive material ID are ID information recorded in the form of a bar code or the like provided on the photographic photosensitive material, ID information stored in a magnetic layer, or ID information inputted by an operator.

Since Yamamoto stores the processing condition of the image processing determined by the processing condition determining section together with the photographic photosensitive material ID applied to the photographic photosensitive material in the storing section, Yamamoto is not "preserving the photographed image data in the storage medium," as recited in claim 15.

Moreover, in Yamamoto, the image data read by the fine scanning is outputted to the image memory 44 of the image processing section 16, not preserved in "the storage medium," as recited in claim 15. In particular, as described column 19, lines 49-52:

In step 108, the image data read by the fine scanning is outputted to the image memory 44 of the image processing section 16, and the routine moves onto step 110.

Since the image data in Yamamoto is outputted to the image memory 44 of the image processing section 16, Yamamoto is not "preserving the photographed image data in the storage medium," as recited in claim 15.

Rather, in Yamamoto, the photographic film ID and the data of the standard exposure portion 80 are outputted to the photographic film characteristics storing section 48, not the "photographed image data," as recited in claim 15. In particular, as described column 19, lines 52-58:

In step 110, the photographic film ID and the data of the standard exposure portion 80, such as that illustrated in FIG. 3 which is exposed by the standard light source 250 so as to be recorded outside of the image recording regions and which is read by the prescanning or fine scanning, are outputted to the photographic film characteristics storing section 48.

Since, in Yamamoto, the photographic film ID and the data of the standard exposure portion 80 are outputted to the photographic film characteristics storing section 48, Yamamoto is not "preserving the photographed image data in the storage medium," as recited in claim 15.

In fact, in Yamamoto, the *operator* may input the photographic film ID information. It is difficult to conceive, on the other hand, of an operator inputting the "photographed image data," as recited in claim 15. In particular, as described column 19, lines 58-61:

Here, the photographic film ID which is recorded outside of the image recording

regions of the photographic film is read, but the operator may input photographic film ID information.

Since, in Yamamoto, the photographic film ID which is recorded outside of the image recording regions of the photographic film is read, or else the operator may input photographic film ID information, Yamamoto is not "preserving the photographed image data in the storage medium," as recited in claim 15.

Furthermore, in Yamamoto, photographic film *characteristics* are stored in the photographic film characteristics storing section 48, not the "photographed image data," as recited in claim 15. In particular, as described column 20, lines 37-42:

> On the other hand, when it is determined in step 112 that photographic film characteristics are stored in the photographic film characteristics storing section 48, the routine skips to step 116, and in steps 116 and 118, various types of image processing are carried out and the series of processings is completed.

Since, in Yamamoto, photographic film characteristics are stored in the photographic film characteristics storing section 48, Yamamoto is not "preserving the photographed image data in the storage medium," as recited in claim 15.

Furthermore, in Yamamoto, a determination is made in step 112 as to whether the photographic film *characteristics* of the photographic film 68 are stored in the photographic film characteristics storing section, not the "photographed image data," as recited in claim 15. In particular, as described column 20, lines 42-46:

> In this way, a determination is made in step 112 as to whether the photographic film characteristics of the photographic film 68 which is undergoing image processing are stored in the photographic film characteristics storing section.

Since, in Yamamoto, a determination is made in step 112 as to whether the photographic film characteristics of the photographic film 68 are stored in the photographic film characteristics storing section, Yamamoto is not "preserving the photographed image data in the storage medium," as recited in claim 15.

Finally, in Yamamoto, the photographic film *characteristics* which were prepared at the time of simultaneous printing are stored in the photographic film characteristics storing section 48, not the "photographed image data," as recited in claim 15. In particular, as described column 20, lines 52, 53, and 54:

> Further, the photographic film characteristics which were prepared at the time of simultaneous printing are stored in the photographic film characteristics storing section 48.

Since, in Yamamoto, the photographic film characteristics which were prepared at the time of simultaneous printing are stored in the photographic film characteristics storing section 48, Yamamoto is not "preserving the photographed image data in the storage medium," as recited in claim 15.

Shiota is not " preserving the photographed image data in the storage medium " either, and thus cannot make up for this deficiency of Yamamoto with respect to claim 15.

The Office Action asserts in section 5, at lines 5-8 of page 3, that:

> Yamamoto does not go into the specific details that said reading method software
> is for reading the photographed image data recorded in said memory of said
> digital camera to a memory of a controller per se, but does mention efficient
> reading of photographic image data.

This is submitted to be incorrect. Rather, as discussed above, Yamamoto stores photographic film *characteristics* of photosensitive film in a photographic film characteristics storing section 48, not photographic image data. Yamamoto, in fact, is not concerned with digital cameras at all, as also discussed above.

The Office Action goes on to assert in section 5, at lines 8-14 of page 3 that:

> Furthermore, Shiota et al do show software for reading the photographed image
> data recorded in said memory of said digital camera to a memory of a controller
> (column 2 lines 30-50, column 3 lines 25-45, column 6 lines 15-40) for efficient
> reading of photographic image data. It would have been obvious to a person with
> ordinary skill in the art to have this in Yamamoto, because it would allow efficient
> reading the photographic image data.

Yamamoto, however, reads an image recorded on a photographic *photosensitive* material and carries out image processing on the image data obtained by reading. In particular, as described column 1, lines 6-10:

> The present invention relates to an image processing method and an image
> processing device in which an image recorded on a photographic photosensitive
> material is read and image processing is carried out on the image data obtained
> by reading.

Yamamoto, therefore, has no photographed image data recorded in a memory of a digital camera to be read in the first place. It is therefore submitted that persons of ordinary skill in the art at the time the invention was made would not have been motivated to modify Yamamoto as proposed in the Office Action, since software for reading photographed image data recorded in a memory of a *digital* camera would not make reading images that were recorded on a photographic *photosensitive* material any more efficient.

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Modifying Yamamoto as proposed in the Office Action, furthermore, would render Yamamoto unsuitable for its intended purpose of reading images that were recorded on a photographic photosensitive material, as well as change the principle of operation of Yamamoto, both of which are prohibited by M.P.E.P. § 2143.01. As provided therein:

> If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

Since modifying Yamamoto, as proposed by the Office Action, by adding software for reading photographed image data recorded in a memory of a digital camera to a memory of a controller would render Yamamoto unsatisfactory for its intended purpose of reading images recorded on a photographic photosensitive material, then there is no suggestion or motivation to make the proposed modification, *In re Gordon*.

As also provided in M.P.E.P. § 2143.01:

> If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Since modifying Yamamoto as proposed by the Office Action would change the principle of operation of Yamamoto of reading images recorded on a photographic photosensitive material, the teachings of the references are not sufficient to render the claims prima facie obvious, *In re Ratti*. Claim 15 is the submitted to be allowable. Withdrawal of the rejection of claim 15 is earnestly solicited.

Allowable Subject Matter:

The Applicants acknowledge with appreciation the allowance of claims 8, 18, 21, and 22.

Conclusion:

Accordingly, in view of the reasons given above, it is submitted that all of claims 8, 15, 18, 21, and 22 are allowable over the cited references. Allowance of all claims 8, 15, 18, 21, and 22 and of this entire application is therefore respectfully requested.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

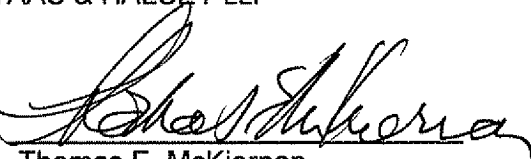If there are any additional fees associated with filing of this Amendment, please charge

the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _/8 JN07_

By _(signature)_

Thomas E. McKiernan
Registration No. 37,889

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501